

NINETY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 5, 1876. }

Senate met pursuant to adjournment. President in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

House Joint Resolution No. 431, "To specify the disposition to be made of the proceeds of bonds for casual deficiencies," was taken up and ordered to lie on the table, subject to call.

On motion of Senator Storey, the rules were suspended, and Senate Bill No. 139, "An Act to be entitled, 'An Act concerning rents of lands and tenements, other than lands for cultivation,'" was taken up, read second time and ordered engrossed.

President *pro tem.* in the chair.

A message was received from the House, announcing the passage by that body of House Joint Resolution No. 424, "Validating the acts of W. T. Neale as Notary Public."

Also, Senate Bill No. 171, "An Act to provide for transcribing county records in certain cases."

On motion of Senator Ford, the rules were suspended, and House Bill No. 429, "An Act supplemental to and amendatory of an act entitled, 'An Act regulating the government of the Agricultural and Mechanical College of Texas,' approved March 9, 1875," was taken up and read first time.

Senator Blassingame moved to suspend the rules to place the bill on its second reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—33.

NAYS—None.

NOT VOTING—Senators Burton, Crain, Edwards—3.

Bill read second time.

Senator Stephens offered the following amendment:

Strike out in Section 1, line 4, all after the word, "Texas," down to the word, "allowed," in line 10, and insert the word, "shall," and add before the word, "from," the words, "to and from."

Senator McLeary offered the following substitute for said amendment:

After the word, "Texas," strike out all the rest of the section and insert, "shall be paid their actual expenses while attending to their duties as such, in addition to the sums allowed them by former acts."

Senator Crain moved the previous question on the pending amendment and the passage of the bill to a third reading.

Seconded and the main question ordered.

Substitute lost by the following vote:

YEAS—Senators Brady, Burton, Crain, Francis, Grace, Martin, McLeary, Ripetoe, Terrell—9.

NAYS—Senators Blassingame, Ford, Guy, Henry J. R., Henry F. M., Ledbetter, McCormick, McCulloch, Moore, Piner, Stephens, Storey, Thompson, Wortham—14.

NOT VOTING—Senators Ball, Brown, Edwards—3.

Senator Stephens' amendment was lost by the following vote:

YEAS—Senators Brady, Francis, Guy, Piner, Stephens, Storey, Terrell—7.

NAYS—Senators Ball, Blassingame, Burton, Crain, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Ripetoe, Thompson, Wortham—17.

NOT VOTING—Senators Brown, Edwards—2.

The bill passed to a third reading by the following vote:

YEAS—Senators Ball, Blassingame, Burton, Edwards, Ford, Guy, Henry J. R., Ledbetter, McCormick, McCulloch, Moore, Piner, Ripetoe, Terrell, Thompson, Wortham—16.

NAYS—Senators Brady, Brown, Crain, Francis, Grace, Henry F. M., Martin, McLeary, Stephens, Storey—10.

Senator Terrell moved to reconsider the vote just taken.

Carried.

Senator Terrell offered the following amendment:

"*Provided*, That when meetings of the Board occur during sessions of the Legislature, the Lieutenant-Governor and Speaker shall not receive mileage and per diem."

Adopted.

Senator Terrell moved the previous question.

Seconded, and the main question ordered.

The bill then passed to a third reading by the following vote:

YEAS—Senators Blassingame, Brown, Burton, Edwards, Ford, Guy, Henry J. R., Henry F. M., McCormick, McCulloch, Moore, Piner, Ripetoe, Storey, Terrell, Thompson, Wortham—17.

NAYS—Senators Ball, Brady, Crain, Francis, Grace, Ledbetter, Martin, McLeary, Stephens—9.

Senator Ford moved to suspend the rules, and place the bill on its third reading.

Lost by the following vote (it taking a four-fifths vote to suspend):

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Ford, Guy, Henry J. R., Henry F. M., Ledbetter, McCormick, McCulloch, Moore, Piner, Ripetoe, Storey, Terrell, Thompson, Wortham—19.

NAYS—Senators Brady, Francis, Grace, Martin, McLeary, Stephens—6.

NOT VOTING—Senator Edwards—1.

Senator Burton moved to suspend the rules and take up House Bill No. 263, "An Act to levy a tax on dogs."

Lost by the following vote (it taking a two-thirds vote to suspend the rules and take up a bill):

YEAS—Senators Ball, Blassingame, Burton, Crain, Guy, Henry J. R., Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Ripetoe, Thompson, Wortham—15.

NAYS—Senators Brady, Brown, Francis, Ford, Grace, Henry F. M., McLeary, Stephens, Storey, Terrell—10.

NOT VOTING—Senator Edwards—1.

A message was received from the House, announcing the passage of House Bill No. 277, "An Act to amend Article 721 of the code of criminal procedure."

Senator Piner, Chairman of Judiciary Committee No. 2, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 378, entitled, "An Act to amend an act prescribing the time of holding the District Court in the Twelfth Judicial District, and to attach certain counties therein named for judicial purposes," approved July 29, 1876, have had the same under consideration, and instruct me to report it back and recommend that it do pass.

PINER, *Chairman.*

On motion of Senator Brady, the rules were suspended, and House Joint Resolution No. 424, "validating the acts of W. T. Neale, as Notary Public," was taken up and read first time.

Senator Crain, from Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined, compared and found correctly engrossed Senate Bill No. 354, "An Act to authorize the Commissioner of the General Land Office to appoint a Surveyor;" also, Senate Bill No. 338, "An Act to prescribe the mode of withdrawing evidence of title and other written instruments from courts in which they have been filed or offered in evidence.

CRAIN, *for Committee.*

Substitute for Senate Bill No. 57, "An Act to provide for the issuance and sale of certificates for three million acres of the public domain of Texas," being the unfinished business, was taken up, pending question being the substitute offered by Senator Stephens, entitled, "An Act to provide for designating and surveying three million acres of the unappropriated public domain for the erection of a new State Capitol and other necessary public buildings at the seat of government."

Senator Brown in the chair.

Senator Martin moved a call of the Senate, which was seconded, and the roll called.

ABSENT—Senators Burton, Henry F. M.—2.

Senator Ball moved that the call be suspended.

Lost.

Pending the call the bill went to the table.

On motion of Senator Martin, the call was suspended, and the consideration of the bill was resumed.

The substitute offered by Senator Stephens was adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Guy, Henry F. M., Martin, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—16.

NAYS—Senators Francis, Ford, Grace, Henry J. R., Ledbetter, McLeary, McCormick, McCulloch—8.

NOT VOTING—Senator Burton—1.

Senator Edwards, who would have voted, "yea," paired off with Senator Douglass, who was absent, and would have voted, "nay."

Senator Ball offered the following amendment:

Strike out Sections 8, 11 and 12.

Senator Piner offered the following as a substitute for Senator Ball's amendment:

Amend by striking out Sections 11 and 12.

Adopted by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Crain, Grace, Henry J. R., Henry F. M., Martin, Moore, Piner, Stephens, Wortham—12.

NAYS—Senators Ball, Burton, Francis, Ford, Guy, Ledbetter, McLeary, McCormick, Ripetoe, Storey, Terrell—11.

NOT VOTING—Senators McCulloch, Thompson—2.

Senator Edwards, who would have voted, "nay," paired off with Senator Douglass, who was absent, and would have voted, "yea."

Senator Ball offered the following substitute for the bill:

Strike out the whole bill after the word, "Texas," in Section 1, line 1, to Section 15, and insert the following:

"There is hereby exempted from location or pre-emption, the following described tract or parcel of land, to-wit: Beginning on the 33rd parallel of latitude, at a point on the east boundary line of the Territory of New Mexico, thence east eighty miles; thence north eighty miles; thence west eighty miles, to the New Mexico line; thence along said line to the place of beginning.

"SEC. 2. The above and aforesaid described land is hereby set apart for the purpose of erecting a new State Capitol and other necessary public buildings, at the seat of government."

Senator Piner moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Grace, Crain, Thompson—3.

On motion of Senator Piner, the call was suspended.

President in the chair.

Senator Martin offered the following amendment:

"SEC. 16. No commissioner or surveyor appointed or contracted with under the provisions of this act shall receive any compensation for his services, either directly or indirectly, in the Capitol Building certificates, or in land surveyed under this act, but all expenses incurred in carrying out the provisions of this act shall be defrayed by paying the money out of the Treasury; and no commissioner or surveyor, or their employes, shall be permitted to purchase any of the lands surveyed."

Senator Storey offered the following:

"It shall be the duty of the Comptroller of Public Accounts to sell said land, from time to time, on the best possible terms, in tracts of not less than 160 acres, to actual settlers, and in tracts of not less than 640 acres, to other purchasers, and at not less than — cts. per acre; and shall, upon the payment of the purchase money, give to the purchaser his receipt, under the seal of his office, describing the land sold; and upon the presentation of the same to the Commissioner of the General Land Office, it shall be his duty to issue to the purchaser, his heirs or assigns, a patent therefor, upon the payment of the patent fees."

Senator Ford moved to recommit the bills and substitutes, with all the pending amendments (the latter two of which were presented for this purpose), to a special committee, with instructions to report Monday.

Carried.

Senators Ford, McLeary, Terrell, Piner and Francis were appointed by the President as said committee.

On motion of Senator Ford, Senator Ball was added to the committee.

On motion of Senator F. M. Henry, Senator Blassingame was added to the committee.

On motion of Senator Storey, Senator Stephens was added to the committee.

The President, after reading its caption, signed Senate Bill No. 362, "An Act to define and regulate the duties of County Attorneys."

On motion of Senator Burton, the Senate adjourned until Monday, at 9 o'clock A. M.

NINETY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 7, 1876. }

Senate met pursuant to adjournment. President in the chair.

Journal of Saturday adopted.

The following explanation was presented by Senator McLeary, and ordered spread upon the journal:

In the journal of the 3rd of August, the following errors occur:

First—"Senator McLeary offered the following amendment: In Section 1, after line 22, insert, 'for S. H. Stevens, Deputy Sheriff of Bexar county, for expenses incurred in bringing taxes to the Treasury, \$121.00.' Adopted."

Second—"Senator McLeary offered the following: Insert, after line 51, 'for rent of school-houses prior to the 18th of April, 1876, to be paid in vouchers approved by the Board of Education, \$10,000.' Lost."

Third—"The motion of Senator McLeary to reconsider the vote passing House Bill No. 412, just passed, was laid on the table."

These errors were duly pointed out, and what purported to be corrections entered by the Journal Clerk as follows:

Two typographical errors occurred in the amendments offered by Senator McLeary on yesterday to House Bill No. 412, "The deficiency bill: "S. H. Stevens," should have been, "E. H. Stevens," and "in vouchers," should have been, "on vouchers."

By an oversight, the motion of Senator McLeary, made yesterday, to reconsider the vote passing House Bill No. 412, and to lay that motion on the table, and which was carried, was recorded in the passive form of the verb, and not the active, as he made it, and the change not being satisfactory, this correction is made.

The name of of Mr. Stevens is E. A. Stevens, and should have been so recorded.

The motion in regard to reconsideration was, and should have been recorded thus:

"Senator McLeary moved to reconsider the vote just taken on the final passage of House Bill No. 412, and moved to lay that motion on the table," which motion to lay on the table was adopted.

A message was received from the House, announcing that in considering House Bill No. 412, "An Act making appropriations for deficiencies for the fiscal year beginning September 1, 1875, and ending August 31, 1876, and previous years," some errors were discerned in the Senate amendments to the bill, and the same is respectfully returned for correction.

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report: